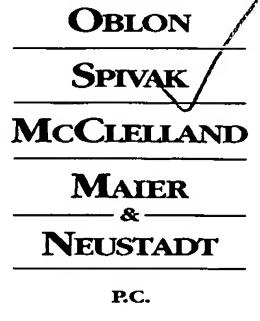




Docket No.: 245416US2



ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/764,582

Applicants: Tetsuro MOTOYAMA, et al.

Filing Date: January 27, 2004

For: METHOD AND SYSTEM FOR INITIALIZING
PROTOCOL INFORMATION USED TO EXTRACT
STATUS INFORMATION FROM NETWORKED
DEVICES

Group Art Unit: 2155

Examiner: WON, MICHAEL YOUNG

SIR:

Attached hereto for filing are the following papers:

APPEAL BRIEF

Our credit card payment form in the amount of \$500.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

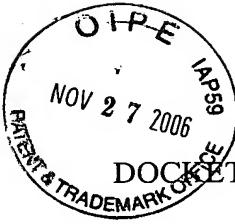
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DOCKET NO: 245416US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

TETSURO MOTOYAMA, ET AL. : EXAMINER: WON, MICHAEL Y.

SERIAL NO: 10/764,582 :

FILED: JANUARY 27, 2004 : GROUP ART UNIT: 2155

FOR: METHOD AND SYSTEM FOR
INITIALIZING PROTOCOL
INFORMATION USED TO EXTRACT
STATUS INFORMATION FROM
NETWORKED DEVICES

APPEAL BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants appeal the outstanding Final Rejection of May 23, 2006, finally rejecting each of pending claims 1-30.

I. REAL PARTY IN INTEREST

The above-noted application is assigned to Ricoh Company, Ltd., which is the real party in interest, having a place of business at Tokyo, Japan.

II. RELATED APPEALS AND INTERFERENCES

Applicant and Applicant's representative are not aware of any related appeals or interferences that will directly effect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

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III. STATUS OF CLAIMS

Claims 1-30 are pending in this application and the rejection of each of Claims 1-30 is being appealed.

No claims were cancelled or added during prosecution of this application.

IV. STATUS OF AMENDMENTS

A Request for Reconsideration was filed subsequent to the Final Rejection dated May 23, 2006. Accordingly, all previously filed Amendments have been considered by the Examiner and are reflected in the attached claims.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The applicants of the present invention recognized that a problem exists in the current art in that until the present invention there was not a method and system for initializing a plurality of protocol objects associated with respective communication protocols (e.g., HTTP, SNMP, FTP) used to extract status information (e.g., print counts, toner levels) related to a monitored device (e.g., a printer or copier) communicatively coupled to a network.

Accordingly, Claim 1 sets forth a method of initializing a plurality of protocol objects associated with respective communication protocols used to extract status information related to a monitored device communicatively coupled to a network. Claim 1 finds general support in Figures 27A-30 and paragraphs 167-178 in the specification. See, in particular, the flowchart of Figure 28.

In particular, Claim 1 recites the step of selecting a communication protocol among the respective communication protocols, which finds support, e.g., in Figure 28 (step 602); and paragraph 171, p. 44 of the specification (obtaining a protocol object from the vector

shown in Figure 27A, wherein each protocol object corresponds to a different communication protocol used to extract information from the monitored device).

Further, Claim 1 recites the step of retrieving, from a first memory, information for accessing the device using the selected communication protocol, which finds support, e.g., in paragraph 172, p. 45, lines 22-32 (device is accessed using SNMP, FTP, or HTTP to get vendor name based on information stored in a database).

Further, Claim 1 recites the step of accessing the device using the selected communication protocol and the information retrieved from the first memory to attempt to obtain vendor information related to the device, which finds support, e.g., in Figure 28 (step 608); and paragraph 172, p. 45, lines 20-32 (monitored device is accessed using the protocol and information from the database).

Further, Claim 1 recites the step of determining whether the vendor information was obtained from the device, which finds support, e.g., in Figure 28 (step 610); and paragraph 171, sentence bridging pages 44 and 45 (check to see if vendor name was obtained).

Further Claim 1 recites two steps that include preconditions. In particular, Claim 1 recites the step of if the vendor information was obtained from the device, (1) obtaining, from a second memory, support information for extracting the status information using each of the respective communication protocols, and (2) storing the vendor information and the respective support information in each protocol object of the plurality of protocol objects, which finds support, e.g., in Figure 28 (step 612 from YES branch of step 610); and paragraph 171, p.45, lines 4-10 (protocol object is initialized with information for extracting status information from the monitored device). See also Figures 27B-27D.

The other conditional step recited in Claim 1 is: if the vendor information was not obtained from the device, repeating the preceding steps until the vendor information is obtained or until each communication protocol of the respective communication protocols

has been selected, which finds support, e.g., in Figure 28 (No branch of step 610; step 604, which checks if all protocols have been tried). Note that the 602-610 loop exits at either step 604 (no more protocols) or step 610 (vendor information obtained). See text on upper left side of Figure 28.

Independent Claims 11 and 21 recite limitations analogous to the limitations recited in Claim 1.

In particular, independent Claim 11 sets forth a system for initializing a plurality of protocol objects associated with respective communication protocols used to extract status information related to a monitored device communicatively coupled to a network, comprising: means for selecting a communication protocol among the respective communication protocols; means for retrieving, from a first memory, information for accessing the device using the selected communication protocol; means for accessing the device using the selected communication protocol and the information retrieved from the first memory to attempt to obtain vendor information related to the device; means for determining whether the vendor information was obtained from the device; means for obtaining, from a second memory, support information for extracting the status information using each of the respective communication protocols, if the means for determining determines that the vendor information was obtained from the device; and means for storing the vendor information and the respective support information in each protocol object of the plurality of protocol objects, if the means for determining determines that the vendor information was obtained from the device.

Independent Claim 21 is directed to a computer program product having a computer usable medium for initializing a plurality of protocol objects associated with respective communication protocols used to extract status information related to a monitored device communicatively coupled to a network, comprising: instructions for selecting a

communication protocol among the respective communication protocols; instructions for retrieving, from a first memory, information for accessing the device using the selected communication protocol; instructions for accessing the device using the selected communication protocol and the information retrieved from the first memory to attempt to obtain vendor information related to the device; instructions for determining whether the vendor information was obtained from the device; if the vendor information was obtained from the device, (1) instructions for obtaining, from a second memory, support information for extracting the status information using each of the respective communication protocols, and (2) instructions for storing the vendor information and the respective support information in each protocol object of the plurality of protocol objects; and if the vendor information was not obtained from the device, instructions for repeating the preceding instructions until the vendor information is obtained or until each communication protocol of the respective communication protocols has been selected.

Claims 11 and 21 are generally supported by the system and computer components shown in Figures 1-3, 8, and 9 and the discussion related thereto in the specification. See, e.g., the monitoring station 902 in Figure 9. Moreover, the functionality recited in Claims 11 and 21 is supported as set forth above with respect to Claim 1 (e.g., in Figure 28). the general object-oriented architecture of the monitoring system is shown in Figures 10-18 and 23-26.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The ground of rejection being appealed is as follows:

whether the teachings of U.S. Patent Application Publication No. U.S. 2004/0088405 to Aggarwal (hereinafter “the ‘405 application”) in view of the teachings of U.S. Patent No. 5,787,248 to Zupcsics et al. (hereinafter “the ‘248 patent”) renders obvious the subject matter of Claims 1-30 under 35 U.S.C. § 103(a).

VII. ARGUMENT

Claim 1 is directed to a method of initializing a plurality of protocol objects associated with respective communication protocols used to extract status information related to a monitored device communicatively coupled to a network, comprising: (1) selecting a communication protocol among the respective communication protocols; (2) retrieving, from a first memory, information for accessing the device using the selected communication protocol; (3) accessing the device using the selected communication protocol and the information retrieved from the first memory to attempt to obtain vendor information related to the device; (4) determining whether the vendor information was obtained from the device; (5) if the vendor information was obtained from the device, obtaining from a second memory, support information for extracting the status information using each of the respective communication protocols, and storing the vendor information and the respective support information in each protocol object of the plurality of protocol objects; and (6) if the vendor information was not obtained from the device, repeating the proceeding steps until the vendor information is obtained or until each communication protocol of the respective communication protocols has been selected.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103, the Office Action asserts that the ‘405 application discloses everything in Claim 1 with the exception of the selecting step, and relies on the ‘248 patent to remedy that deficiency.

The ‘405 application is directed to a fault and performance monitoring system using distributed data gathering and data storage. As shown in Fig. 4, the ‘405 application discloses a method of configuring devices on a network, associating the devices with a particular test, associating data gathering operations (DGEs) with the devices, and sending the performance configuration information to the respective data gathering operations

(DGEs). As shown in Fig. 6, after the DGEs are configured, the devices can be monitored by polling or by event triggering. Further, the ‘405 application discloses that “[p]ort and SNMP tests can be automatically ‘discovered’ by querying the device to see what services are running. The system can automatically detect disk partitions, volumes and their sizes so that the usage is normalized as a percentage.”¹ Further, the ‘405 application discloses that “when the auto-discovery for SNMP occurs, the target device database record may be updated with vendor and model information.”²

However, Applicants respectfully submit that the ‘405 application fails to disclose the two conditional steps recited in Claim 1. In particular, the ‘405 application fails to disclose that if the vendor information was obtained from the device, (1) obtaining from a second memory, support information for extracting the status information using each of the respective communication protocols, and (2) storing the vendor information and the respective support information in each protocol object of the plurality of protocol objects, as recited in Claim 1. Regarding vendor information, the ‘405 application discloses that the target device database record may be updated with vendor and model information when the auto-discovery for SNMP occurs. However, the ‘405 application does not disclose that *if vendor information was obtained from a device*, that support information is obtained from a second memory. In this regard, Applicants note that the Office Action refers to paragraphs [0344] and [0345] as disclosing this step, implying that the support information is the configuration information disclosed in step 610 of Fig. 6. However, Applicants note that the condition for performing in ‘405 Figure 6 is that the data gathering element is not configured, not if the vendor information was obtained, as is required by Claim 1. In this regard, Applicants note that the Office Action implies that the DGE being not configured “is essentially the same as ‘if the vendor information was obtained’ since if the vendor

¹ See ‘405 application, paragraph [0339].

² Id. at paragraph [0340]. Emphasis added.

information is obtained, the data gathering information would be inherently no[t] configured.”³ However, it is unclear to Applicants how the ‘405 application discloses that a DGE must not be configured if vendor information was obtained. Figure 6 of the ‘405 application merely discloses that the DGE must be configured before monitoring can occur. Even if obtaining vendor information is part of the ‘405 configuration process, which has not been shown, the ’405 application does not disclose that *if vendor information was obtained*, the obtaining and storing steps recited in Claim 1 are then performed.

Moreover, Applicants respectfully submit that the ‘405 application fails to disclose that, *if the vendor information was obtained*, storing the vendor information and the respective support information in each protocol object (i.e., including necessarily those not associated with the currently selected communication protocol), as recited in Claim 1. The ‘405 application does not even disclose that the vendor information and the support information are stored in a protocol object. In this regard, it is unclear to Applicants how the ‘405 application discloses a protocol object associated with a respective communication protocol, as recited in Claim 1. The '405 application discloses that the vendor and model information may be stored in a target device database record, and that configuration information is downloaded to a DGE. However, the ‘405 application does not disclose that both the vendor information and the support information are stored in each protocol object of the plurality of protocol objects, *if the vendor information was obtained from the device*, as recited in Claim 1.

Further, Applicants respectfully submit that the ‘405 application fails to disclose that if the vendor information was not obtained from the device, repeating the preceding steps until the vendor information is obtained or until each communication protocol of the respective communication protocols has been selected, as recited in Claim 1. In this regard,

³ Pages 10-11 of Office Action.

Applicants note that the Office Action refers to paragraph [0340] of the '405 application as disclosing in this step. Paragraph [0340] refers to an auto-discovery mechanism for SNMP, but does not explicitly state that if vendor information is not obtained from a device that a selecting step, a retrieving step, an accessing step, a determining step, and conditionally, an obtaining and storing step are performed, as required by Claim 1. In this regard, Applicants note that the '405 application does not disclose repeating the step of selecting a protocol. The '405 application only discloses SNMP. Further, the '405 application does not teach or suggest that a new communication protocol should be selected if vendor information was not obtained, as recited in Claim 1.

In this regard, Applicants note that the Advisory Action dated September 14, 2006, states that because the '405 application discloses a variety of port monitors,⁴ it is "inherent that if the vendor information were not obtained using SNMP, it would be obtained using any number of the various protocols taught by *Aggarwal*."⁵ However, Applicants respectfully submit that the Office is vastly exaggerating the importance that the '405 places on vendor information. The Office provides no evidence that the '405 system will select another protocol and access the device using the selected protocol to attempt to obtain the vendor information if the vendor information was not obtained using another protocol. The '405 patent simply does not teach or suggest this limitation merely by mentioning port monitors involving protocols other than SNMP. Further, Applicants submit that such a step is not necessarily present in the '405 disclosure since the '405 application does not teach or suggest that repeated efforts will be made to obtain the vendor information by accessing the monitored device.

The '248 patent is directed to a system for selecting a network management protocol by setting a protocol handler index based on the newly selected protocol. In particular, the

⁴ '405 application, paragraphs 68-78.

⁵ Advisory Action dated September 14, 2006, page 3.

‘248 patent discloses the step of receiving a request at a communication device to change the presently selected network management communication protocol to a new network management communication protocol selected from among the plurality of network management communication protocols residing in the communication device.⁶ However, Applicants respectfully submit that the ‘248 patent fails to disclose the two conditional statements recited in Claim 1. In particular, the ‘248 patent fails to disclose a protocol object or the storing of vendor and support information in each protocol object associated with a plurality of the communication protocols, as recited in Claim 1. Moreover, Applicants note that the ‘248 patent does teach or suggest that a new communication protocol should be selected if vendor information was not obtained from a device, as recited in Claim 1.

Thus, no matter how the teachings of the ‘405 application and the ‘248 patent are combined, the combination does not teach or suggest that (1) if the vendor information was obtained from a device, obtaining, from a second memory, support information for extracting the status information using each of the respective communication protocols, and storing the vendor information and their respective support information in *each* protocol object of the plurality of protocol objects; and (2) if the vendor information was not obtained from the device, repeating the preceding steps until the vendor information is obtained or until each communication protocol of the respective communication protocols has been selected, as recited in Claim 1. Moreover, the ‘248 patent discloses the use of port 134, while the ‘405 application discloses the use of SNMP, which uses port 161. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and the rejection of Claim 1 (and dependent Claims 2-10) should be withdrawn.

Further, Applicants respectfully submit that there is no technological motivation for combining the teachings of the ‘405 application and the ‘248 patent. In particular, Applicants

⁶ ‘248 patent, column 7, lines 5-10.

note that Claim 1 requires that if vendor information is not obtained from a monitored device, several steps are repeated, including the step of selecting a communication protocol among a plurality of communication protocols until the vendor information is obtained or until each communication protocol has been selected. However, nothing in the ‘405 application or the ‘248 patent teaches or suggests such an iterative process to obtain the vendor information of a monitored device using the plurality of communication protocols. The ‘248 patent discloses that a protocol is changed based on a request, but does not teach or suggest that a communication protocol should be changed based on whether particular information is obtained from a particular device, as recited in Claim 1. Moreover, the ‘405 application does not teach or suggest changing communication protocols in order to obtain vendor information from a monitoring device, as recited in Claim 1. The ‘248 patent discloses the use of port 134, while the ‘405 application discloses the use of SNMP, which uses port 161.

Accordingly, for these additional reasons, Applicants respectfully submit that *prima facie* case of obviousness has not been established and that the rejection of Claim 1 (and dependent Claims 2-10) should be withdrawn.

Independent Claims 11 and 21 recite limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejections of Claims 11 and 21 (and all associated dependent claims) should be withdrawn.

VIII. CONCLUSION

For the foregoing reasons, Applicant respectfully submits that each of claims 1-30 patentably distinguishes over the combined teachings of the '405 application and the '248 patent. Therefore, the outstanding rejections must be REVERSED.

Respectfully submitted,

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CLAIMS APPENDIX

1. (Rejected) A method of initializing a plurality of protocol objects associated with respective communication protocols used to extract status information related to a monitored device communicatively coupled to a network, comprising:

selecting a communication protocol among the respective communication protocols; retrieving, from a first memory, information for accessing the device using the selected communication protocol;

accessing the device using the selected communication protocol and the information retrieved from the first memory to attempt to obtain vendor information related to the device;

determining whether the vendor information was obtained from the device; if the vendor information was obtained from the device, (1) obtaining, from a second memory, support information for extracting the status information using each of the respective communication protocols, and (2) storing the vendor information and the respective support information in each protocol object of the plurality of protocol objects; and if the vendor information was not obtained from the device, repeating the preceding steps until the vendor information is obtained or until each communication protocol of the respective communication protocols has been selected.

2. (Rejected) The method of claim 1, further comprising:

accessing the device using the selected communication protocol and the information retrieved from the first memory to attempt to obtain model information related to the device.

3. (Rejected) The method of claim 1, wherein the selecting step comprises:

selecting the communication protocol among SNMP, HTTP, and FTP.

4. (Rejected) The method of claim 1, wherein the retrieving step comprises:
retrieving an IP address of the device, wherein the device is one of a copier, a scanner, a printer, a facsimile machine, an appliance, and a metering system.
5. (Rejected) The method of claim 1, wherein the selecting step comprises selecting FTP, and the retrieving step comprises retrieving at least one of a username and a password for accessing the device using FTP.
6. (Rejected) The method of claim 1, wherein the selecting step comprises selecting SNMP, and the retrieving step comprises retrieving at least one of a community name and a password for accessing the device using SNMP.
7. (Rejected) The method of claim 1, wherein storing the vendor information comprises storing the vendor information in protocol-dependent data structure associated with each protocol object.
8. (Rejected) The method of claim 1, wherein the retrieving step comprises:
retrieving at least one of a web page address, a keyword, and a relative location for accessing the device using HTTP.
9. (Rejected) The method of claim 1, wherein the accessing step comprises:
transmitting, to the device, the information to access the device using the selected communication protocol.
10. (Rejected) The method of claim 9, wherein the accessing step comprises:

receiving, by the device, the transmitted information; and
processing, by the device, the received information.

11. (Rejected) A system for initializing a plurality of protocol objects associated with respective communication protocols used to extract status information related to a monitored device communicatively coupled to a network, comprising:

means for selecting a communication protocol among the respective communication protocols;

means for retrieving, from a first memory, information for accessing the device using the selected communication protocol;

means for accessing the device using the selected communication protocol and the information retrieved from the first memory to attempt to obtain vendor information related to the device;

means for determining whether the vendor information was obtained from the device;

means for obtaining, from a second memory, support information for extracting the status information using each of the respective communication protocols, if the means for determining determines that the vendor information was obtained from the device; and

means for storing the vendor information and the respective support information in each protocol object of the plurality of protocol objects, if the means for determining determines that the vendor information was obtained from the device.

12. (Rejected) The system of claim 11, further comprising:

means for accessing the device using the selected communication protocol and the information retrieved from the first memory to attempt to obtain model information related to the device.

13. (Rejected) The system of claim 11, wherein the means for selecting comprises:

means for selecting the communication protocol among SNMP, HTTP, and FTP.

14. (Rejected) The system of claim 11, wherein the means for retrieving comprises:

means for retrieving an IP address of the device, wherein the device is one of a copier, a scanner, a printer, a facsimile machine, an appliance, and a metering system.

15. (Rejected) The system of claim 11, wherein the means for selecting comprises

means for selecting FTP, and the means for retrieving comprises means for retrieving at least one of a username and a password for accessing the device using FTP.

16. (Rejected) The system of claim 11, wherein the means for selecting comprises

means for selecting SNMP, and the means for retrieving step comprises means for retrieving at least one of a community name and a password for accessing the device using SNMP.

17. (Rejected) The system of claim 11, wherein the means for storing the vendor

information comprises means for storing the vendor information in protocol-dependent data structure associated with each protocol object.

18. (Rejected) The system of claim 11, wherein the means for retrieving comprises:

means for retrieving at least one of a web page address, a keyword, and a relative location for accessing the device using HTTP.

19. (Rejected) The system of claim 11, wherein the means for accessing comprises:

means for transmitting, to the device, the information to access the device using the selected communication protocol.

20. (Rejected) The system of claim 19, wherein the means for accessing comprises:
means for receiving, by the device, the transmitted information; and
means for processing, by the device, the received information.

21. (Rejected) A computer program product having a computer usable medium for initializing a plurality of protocol objects associated with respective communication protocols used to extract status information related to a monitored device communicatively coupled to a network, comprising:

instructions for selecting a communication protocol among the respective communication protocols;

instructions for retrieving, from a first memory, information for accessing the device using the selected communication protocol;

instructions for accessing the device using the selected communication protocol and the information retrieved from the first memory to attempt to obtain vendor information related to the device;

instructions for determining whether the vendor information was obtained from the device;

if the vendor information was obtained from the device, (1) instructions for obtaining, from a second memory, support information for extracting the status information using each of the respective communication protocols, and (2) instructions for storing the vendor information and the respective support information in each protocol object of the plurality of protocol objects; and

if the vendor information was not obtained from the device, instructions for repeating the preceding instructions until the vendor information is obtained or until each communication protocol of the respective communication protocols has been selected.

22. (Rejected) The computer program product of claim 21, further comprising:
instructions for accessing the device using the selected communication protocol and the information retrieved from the first memory to attempt to obtain model information related to the device.

23. (Rejected) The computer program product of claim 21, wherein the instructions for selecting comprise:

instructions for selecting the communication protocol among SNMP, HTTP, and FTP.

24. (Rejected) The computer program product of claim 21, wherein the instructions for retrieving comprise:

instructions for retrieving an IP address of the device, wherein the device is one of a copier, a scanner, a printer, a facsimile machine, an appliance, and a metering system.

25. (Rejected) The computer program product of claim 21, wherein the instructions for selecting comprise instructions for selecting FTP, and the instructions for retrieving comprise instructions for retrieving at least one of a username and a password for accessing the device using FTP.

26. (Rejected) The computer program product of claim 21, wherein the instructions for selecting comprise selecting SNMP, and the instructions for retrieving comprise

instructions for retrieving at least one of a community name and a password for accessing the device using SNMP.

27. (Rejected) The computer program product of claim 21, wherein the instructions for storing the vendor information comprise instructions for storing the vendor information in protocol-dependent data structure associated with each protocol object.

28. (Rejected) The computer program product of claim 21, wherein the instructions for retrieving comprise:

instructions for retrieving at least one of a web page address, a keyword, and a relative location for accessing the device using HTTP.

29. (Rejected) The computer program product of claim 21, wherein the instructions for accessing comprise:

instructions for transmitting, to the device, the information to access the device using the selected communication protocol.

30. (Rejected) The computer program product of claim 29, wherein the instructions for accessing comprise:

instructions for receiving, by the device, the transmitted information; and
instructions for processing, by the device, the received information.

EVIDENCE APPENDIX

None

RELATED PROCEEDING APPENDIX

None